

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and these comments.

A detailed listing is presented, with an appropriate defined status identifier, of all claims that are or were in the application, irrespective of whether the claim(s) remain under examination. As shown, claims 1 - 42 were cancelled previously and claim 54 is cancelled now, all without prejudice or disclaimer. Claims 45 - 47, 49 - 51, 53, and 55 are amended presently, and claims 56 - 70 are added.

Neither the claim revisions, which are largely editorial or corrective in nature, nor the claim additions introduce impermissible new matter, and so their entry is requested. Once entry is effected, claims 43 - 53 and 55 - 70 will be pending.

The foregoing claim revisions address the typographical errors that underlie the claim objections detailed on page 2 of the Office Action. Withdrawal of those objections is requested, therefore.

The revisions also clarify the stated points of the examiner's concern under the second paragraph of Section 112, and withdrawal of the corresponding "indefiniteness" rejections also is requested. For instance, amended claim 45 more clearly prescribes, *inter alia*, a nucleotide change in the anticodon region of a tRNA-encoding gene. See specification at page 6, lines 30 - 33, and page 8, lines 24 - 26, 29 and 30.

Concerning claim 50, the examiner has questioned the internal consistency of prescribing both the absence of "a gene coding for antibiotic resistance" and the presence of a "gene product involved in ... nisin resistance" (Office Action at page 3, second full paragraph). Nisin is bacteriocin and not an antibiotic, however (see application at page 2, line 15), and so these dual recitations engender no ill-clarity in claim 50.

Applicant notes the indication, at page 4 of the Office Action, that claims 43, 44, 46, 48, and 52 are allowed. The cancellation above of claim 54 moots the rejection of that claim.

As revised, claim 45 corresponds in relevant part to previous claim 8, now cancelled, which was not rejected over the Dickely reference. Thus, claim 45 is believed to be allowable, too.

With this understanding, and in light of the other claim changes discussed above, applicant submits that each of the newly presented claims has an allowable base claim and, hence, should be deemed allowable as well.

Accordingly, applicant submits that the present application is now in condition for allowance, and an early indication to this effect is respectfully requested. The Examiner also is invited to contact the undersigned directly, should he feel that any issue would benefit from further consideration.

Finally, the Commissioner is hereby authorized to charge any additional fees which may be required, under 37 CFR §§ 1.16-1.17, and to credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 CFR §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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By 

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